

7-37. Administrative Enforcement Actions: New Source Review Orders

1. AUTHORITY. Pursuant to the Clean Air Act (CAA), to determine that a state is not acting in compliance with a requirement of the regulation referred to in Section 129(a)(1) of the Clean Air Act Amendments of 1977 or a plan provision required under the CAA, and upon such a determination, to issue a new source review order.

2. TO WHOM DELEGATED. Director, Enforcement and Compliance Assurance Division (ECAD).

3. LIMITATIONS.

- a. The delegatee must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) or his/her designee before exercising the above authority to issue administrative orders.
- b. The AA/OECA may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the AA/OECA or his/her designee must notify affected Regional Administrators or their designees before exercising the above authority to issue administrative orders. The AA/OECA may waive his/her consultation requirements by memorandum.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions" and "Emergency TRO's."
- b. Sections 110(a)(2)(I) and 113(a)(5) of CAA.

6. SUPERSESSION. Delegations Manual, CAA, Regional Delegation 7-37, Administrative Enforcement Actions: New Source Review Orders, 1200 TN RIII 114 (October 3, 1996).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator